

**A Resolution of the Common Council of the City of Evansville Authorizing
Legal Action to Withdraw from a Pending Appeal of the Residency Ordinance**

WHEREAS, on December 15, 2014, the Common Council of Evansville enacted Ordinance G-2014-30 Amended, entitled “An Ordinance Restricting Eligibility of Non-Residents of Evansville Indiana from Serving on Governing or Advisory Boards” (the “Ordinance”); and

WHEREAS, in relevant parts, the Ordinance provides that effective January 1, 2015, “all persons serving on any boards, committees, commissions . . . or any other governing advisory bodies shall be residents of the City of Evansville, Indiana, whether appointed by the Common Council or the Mayor unless expressly prohibited by state statute”; and

WHEREAS, the Mayor vetoed the residency ordinance on December 27, 2014, by not signing the same and the Common Council of Evansville subsequently overrode the Mayor’s veto; and

WHEREAS, the Mayor filed an action before the Vanderburgh Superior Court seeking a determination that the Ordinance is invalid and of no force and effect; and

WHEREAS, the Vanderburgh Superior Court issued an en banc Order on June 5, 2015 determining the Ordinance exceeds the authority of the Common Council and is invalid and void ab initio; and

WHEREAS, the Common Council of Evansville voted on June 22, 2015 to authorize an appeal of the Vanderburgh Superior Court’s Order; and

WHEREAS, the continued appeal of the Vanderburgh Superior Court’s Order has the potential to incur additional expense to taxpayers and a decision for or against the Common Council of Evansville would reflect negatively on our community; and

WHEREAS, the Common Council of Evansville finds that it would be in the best interest of the citizens of the City of Evansville to consent to the withdrawal and dismissal of the Common Council’s appeal.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Evansville as follows:

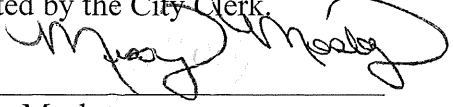
Section 1. The Attorney for the Common Council of Evansville is hereby directed to take appropriate legal action to obtain the withdrawal and dismissal of pending litigation concerning the Ordinance before the Indiana Court of Appeals and to take such other or further relief as necessary or appropriate; and to employ such attorneys or other persons as may be needed to assist in said legal action.

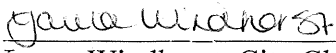
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Section 2. This Resolution shall be in full force and effect from and after its passage by the Common Council.

PASSED BY the Common Council of the City of Evansville, Indiana, on the 11 day of January, 2016, on said day signed by the President of the Common Council and attested by the City Clerk.


Missy Mosby,
President of the Common Council

ATTEST: 
Laura Windhorst, City Clerk
City of Evansville, Indiana